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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

**FISCAL YEAR 2005
CHILD AND ADULT CARE FOOD PROGRAM
OPERATIONAL MEMO #28**

TO: Child and Adult Care Food Program Institutions

FROM: Mary Ann Chartrand, Director
Grants Coordination and School Support

DATE: August 22, 2005

SUBJECT: **Policy on Limited Disclosure of Children's Eligibility to Title I
and the National Assessment of Educational Progress**

The Healthy Meals for Healthy Americans Act of 1994, L.L. 103-448, amended Section 9(b)(2)(C) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C.1751(b)(2)(C)) to allow the disclosure of children's eligibility information, without parental consent, to certain persons and programs. Among these persons and programs are individuals directly connected with Federal education programs, such as Title I and the NAEP.

School food or child care institution authorities may disclose, without parent/guardian consent, participants' names and eligibility status (whether they are eligible for free meals or free milk or reduced price meals) to persons *directly* connected with the administration or enforcement of Title I of the Elementary and Secondary Education Act and the National Assessment of Educational Progress (NAEP). Additionally, school food or child care institution authorities may disclose participants' names and eligibility status to persons directly connected with the administration or enforcement of State educational assessment programs to the extent that the State assessment is part of the NAEP or the assessment program is established at the State, not local level. Other State education programs are also eligible to have access to participants' names and eligibility status, without parent/guardian consent, but the program must be established at the State, not local level.

The term "persons directly connected" includes Federal, State, and local program operators responsible for Title I or NAEP program administration or program compliance and their contractors. This does not imply that these persons have routine access to participants' eligibility status. There must be a "need to know" for legitimate Title I or NAEP purposes.

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It is recommended that school food or child care institution authorities inform households if they plan to disclose or use eligibility information outside the originating program. It is also recommended that the local authority enter into a written agreement with Title I and NAEP officials. The agreement should be signed by both the local authority, Title I, and NAEP officials, as appropriate, that the agreement identify the entity receiving the information, describe the information to be disclosed and how it will be used, describe how the information will be protected from unauthorized uses and disclosures, and describe the penalties for unauthorized disclosure.

Providing aggregate information that does not identify individuals continues to be permitted without consent. Additionally, any costs associated with the disclosure of information beyond that used for program purposes cannot be charged to the school food service account, except that incidental costs are acceptable. In accordance with the statute, local authorities are not *required* to disclose eligibility information.

If you have questions, contact the CACFP at (517) 373-7391.